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Michael A. Jaskolski Reg. No. 37,551

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carlos de la Huerga
Serial No.: 09/833,258
Filed: April 12, 2001
Title: Product Labeling Method and Apparatus
Art Unit: 2841
Examiner: Phan, Thanh S.
Our Ref.: 250591.90295

Assistant Commissioner for Patents
Washington DC 20231

Box: Amendment

Dear Sir:

In response to the Restriction Requirement dated December 3, 2004, please enter the following response.

RESPONSE TO RESTRICTION REQUIREMENT

Applicant respectfully in-part traverses the restriction requirement. In this regard, While Applicant believes that there is no one generic claim currently pending, Applicant believes that claim 1 is generic to at least a group of the pending independent claims. To this end, claim 1 requires a reader for reading descriptors, a writer for writing data to enhanced devices and a processor for receiving descriptors and identifying when enhanced data is associated with an order and, when enhanced data is associated with an order, causing the writer to write enhanced data to an enhanced device and, when enhanced data is not associated with an order, causing another indicating function to be performed.

Independent claim 71 is a method claim that tracks claim 1 and which would require a reader, a writer and a processor to perform the claimed method steps. How claim 1 could be used without requiring the steps of claim 71 is unclear. Thus, Applicant believes claim 1 is generic to claim 71. With respect to each of claims 72-91, those claims are method claims that track the limitations of apparatus type claims 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 15, 21, 22, 23, 24, 25, 27 and 34.

Claim 1 is also generic to independent claim 130. The only difference between claim 130 and claim 1 is that the apparatus type components of claim 1 have been replaced by means for limitations in claim 130. For instance, the reader in claim 1 has been replaced with a means for reading in claim 130, the writer in claim 1 has been replaced with a means for writing in claim 130, and so on. How claim 1 could be used or practiced without requiring the components of claim 130 is unclear. With respect to each of claims 131-150, those claims are means for claims that track the limitations of apparatus type claims 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 15, 21, 22, 23, 24, 25, 27 and 34.

With respect to claim 159, claim 159 is similar to claim 1 except that the enhanced device limitation has been replaced by an "electronic memory device" limitation. An electronic memory device is simply one type of enhanced device and therefore claim 1 is clearly generic to claim 159.

Thus, Applicant believes claim 1 is generic to each of independent claims 71, 130 and 159 and to the claims that depend from claims 71, 130 and 159 and respectfully asks that the restriction requirement be amended so that those claims can be considered together.

With respect to the 17 embodiments/species listed in the Office Action, as an initial matter, Applicant notes that Fig. 2 is a generic figure wherein many of the other figures in the present specification include specific species of the generic Fig. 2 system. For instance, the system of Fig. 4 is simply one embodiment of the printer/writer system of Fig. 2 and therefore Fig. 2 is generic to Fig. 4. Similarly, the

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Fig. 5 system is one embodiment of the printer/writer system of Fig. 2 as are the embodiments of Figs. 6, 8, 9, 10, 11 and 12.

With respect to election, Applicant elects the species corresponding to Fig. 2 for prosecution on the merits and to which the claims should be restricted if no generic claim is finally held allowable. Each of claims 1-34, 71-91, 130-150 and 159 reads on the Fig. 2 species.

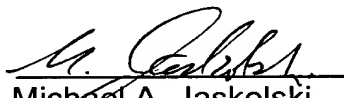
In the event that the Examiner does not agree to amend the restriction requirement so that claims 1-34, 71-91, 130-150 and 159 can be considered together, in order to be fully responsive to the restriction requirement, Applicant elects the Figure 2 species and requests that claims 1-34 be examined.

No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

CARLOS DE LA HUERGA

Date: 1-3-05

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